

**95TH GENERAL ASSEMBLY****State of Illinois****2007 and 2008****SB0526**

Introduced 2/8/2007, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

New Act

Creates the Homeowners' Solar Energy Act. Provides that no bylaw or action of a homeowners' association, property owners' association, or a condominium unit owners' association shall prohibit or be interpreted to prohibit a solar energy system or other energy device based on a renewable resource. Provides that no deed restrictions, covenants, or similar binding agreements running with the land shall prohibit or have the effect of prohibiting a solar energy system or other renewable resource energy device from being installed on residential dwelling property that does not exceed 3 stories. Provides that an owners' association may determine the location of a solar energy system. Provides that solar energy systems shall be certified by the Solar Rating and Certification Corporation (SRCC) or another nationally recognized certification entity. Provides that an application for the installation of a solar energy system shall be processed and approved as an application for architectural modification and shall not be willfully avoided or delayed. Provides that any entity, other than a public entity, that willfully violates this Act shall be liable to the applicant or other party adversely affected for actual damages. Provides that in any litigation under this Act, the prevailing party is entitled to reasonable attorney's fees. Provides that the legislative purpose of this Act is to protect the public health, safety, and welfare by encouraging the use of renewable resource energy systems to conserve and protect land and resources and prevent measures which will drive the cost of owning residential property beyond the capacity of private owners.

LRB095 03704 AJO 23731 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Homeowners' Solar Rights Act.

6 Section 5. The legislative intent in enacting this Act is
7 to protect the public health, safety, and welfare by
8 encouraging the development and use of renewable resources in
9 order to conserve and protect the value of land, buildings, and
10 resources by preventing the adoption of measures which will
11 have the ultimate effect, however unintended, of increasing the
12 costs of owning and operating commercial or residential
13 property beyond the capacity of private owners to maintain.

14 Section 10. Notwithstanding any provision of this Act or
15 other provision of law, the adoption of a bylaw or exercise of
16 any power by the governing entity of a homeowners' association,
17 property owners' association, or condominium unit owners'
18 association which prohibits or has the effect of prohibiting
19 the installation of a solar energy system or other energy
20 device based on a renewable resource is expressly prohibited.

21 Section 15. No deed restrictions, covenants, or similar

1 binding agreements running with the land shall prohibit or have
2 the effect of prohibiting a solar energy system or other energy
3 device based on a renewable resource from being installed on a
4 building erected on a lot or parcel covered by the deed
5 restrictions, covenants, or binding agreements. A property
6 owner may not be denied permission to install a solar energy
7 system or other energy device based on a renewable resource by
8 any entity granted the power or right in any deed restriction,
9 covenant, or similar binding agreement to approve, forbid,
10 control, or direct alteration of property with respect to
11 residential dwellings not exceeding 3 stories in height.
12 However, for purposes of this Act, the entity may determine the
13 specific location where a solar energy system may be installed
14 on the roof within an orientation to the south or within 45
15 degrees east or west of due south provided that the
16 determination does not impair the effective operation of the
17 solar energy system.

18 Section 20. A solar energy system or other energy device
19 based on a renewable resource shall meet applicable standards
20 and requirements imposed by State and local permitting
21 authorities. A solar energy system shall be certified by the
22 Solar Rating and Certification Corporation (SRCC) or another
23 similar nationally recognized certification entity.

24 Section 25. Whenever approval is required for the

1 installation or use of a solar energy system, the application
2 for approval shall be processed and approved by the appropriate
3 approving entity in the same manner as an application for
4 approval of an architectural modification to the property, and
5 the application shall not be willfully avoided or delayed.

6 Section 30. Any entity, other than a public entity, that
7 willfully violates this Act shall be liable to the applicant or
8 any other party affected by a willful violation of this Act for
9 actual damages occasioned thereby and for any other
10 consequential damages.

11 Section 35. In any litigation arising under this Act, the
12 prevailing party shall be entitled to costs and reasonable
13 attorney's fees.